

### **36-12-1. Definitions.**

As used in this chapter:

(1) (a) "Interim committees" means legislative committees that are formed from the membership of each house to function between sessions of the Legislature in order to study subjects of legislative concern.

(b) "Interim committees" includes a commission, committee, council, task force, board, or panel, in which legislative participation is required by law, which committee functions between sessions of the Legislature.

(2) "Legislative director" means the director of the Office of Legislative Research and General Counsel, the legislative fiscal analyst, or the legislative auditor general.

(3) "Major political party" means either of the two political parties having the greatest number of members elected to the two houses of the Legislature.

(4) "Professional legislative staff" means the legislative directors and the members of their staffs.

(5) "Standing committees" means legislative committees organized under the rules of each house of the Legislature for the duration of the legislative biennial term to consider proposed legislation. As used in this chapter, "standing committees" excludes appropriations committees, appropriations subcommittees, and rules committees.

Amended by Chapter 104, 2000 General Session

### **36-12-2. Standing committees.**

Each house of the Legislature at the beginning of each general session shall organize itself into standing committees for the consideration of proposed legislation. The committees shall be organized, their duties determined, and their membership appointed as the rules of each house shall prescribe. This section shall not be construed to prevent the creation of subcommittees, special committees, or ad hoc committees which each house may organize.

Amended by Chapter 226, 1998 General Session

### **36-12-3. Interim committees -- Membership -- Purpose -- Meetings and rules.**

(1) There are hereby created interim committees of the Legislature consisting of the members of each house. The speaker of the House of Representatives shall appoint the members from the House of Representatives and the president of the Senate shall appoint the members from the Senate, each taking into consideration suggestions from the minority party in their respective house.

(2) The purpose of the committees is to investigate and study matters of legislative concern in the interval between general legislative sessions.

(3) The interim committees shall meet after adjournment sine die of each general session to organize and to plan study programs. Each committee shall operate under rules established by the Legislature.

Amended by Chapter 39, 2002 General Session

**36-12-4. Interim committees of two houses -- Meeting jointly -- Joint rules -- Majority vote.**

Corresponding interim committees of the two houses may meet jointly to consider the same or similar studies or to recommend joint legislative programs. In any joint meeting, the rules of the Legislature apply. A majority vote of corresponding interim committees of the two houses meeting jointly includes at least 50% of the members in one house and more than 50% of the members in the other house.

Amended by Chapter 6, 1988 General Session

**36-12-5. Duties of interim committees.**

- (1) Except as otherwise provided by law, each interim committee shall:
  - (a) receive study assignments by resolution from the Legislature;
  - (b) receive study assignments from the Legislative Management Committee, created under Section 36-12-6;
  - (c) place matters on its study agenda after requesting approval of the study from the Legislative Management Committee, which request, if not disapproved by the Legislative Management Committee within 30 days of receipt of the request, the interim committee shall consider it approved and may proceed with the requested study;
  - (d) request research reports from the professional legislative staff pertaining to the committee's agenda of study;
  - (e) investigate and study possibilities for improvement in government services within its subject area;
  - (f) accept reports from the professional legislative staff and make recommendations for legislative action with respect to such reports; and
  - (g) prepare and recommend to the Legislature a legislative program in response to the committee's study agenda.
- (2) Except as otherwise provided by law, reports and recommendations of the interim committees shall be completed and made public prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

Amended by Chapter 177, 2013 General Session

**36-12-6. Permanent committees -- House and Senate management -- Members -- Chairman -- Legislative Management Committee -- Membership -- Chairman and vice-chairman -- Meetings -- Quorum.**

- (1) There are hereby established as permanent committees of the Legislature a House Management Committee and a Senate Management Committee. The House Management Committee shall consist of eight members of the House of Representatives, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general session by the minority party caucus as needed to complete the full membership. The chairman of the committee shall be the speaker of the House of Representatives or his designee. The Senate Management

Committee shall consist of eight members of the Senate, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership. The chairman of the committee shall be the president of the Senate or his designee.

(2) There is hereby established a permanent committee of the Legislature to be known as the Legislative Management Committee. The committee shall consist of the membership of the House Management Committee and the Senate Management Committee meeting jointly. The president of the Senate or his designee shall be chairman during 1987, and the speaker of the House of Representatives or his designee shall be vice-chairman of the committee during that year. The positions of chairman and vice-chairman of the Legislative Management Committee shall rotate annually between these two officers in succeeding years. The committee shall meet as often as is necessary to perform its duties, but not less than once each quarter.

(3) If a legislator declines membership on the committees established by this section, or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party of the house in which the vacancy occurs.

(4) The committees established by this section shall meet not later than 60 days after the adjournment sine die of the annual general session held in even-numbered years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties. A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

Amended by Chapter 18, 1987 General Session

### **36-12-7. Legislative Management Committee -- Duties.**

(1) The Senate or House Management Committee shall:

(a) receive legislative resolutions directing studies on legislative matters and may assign these studies to the appropriate interim committee of its house;

(b) assign to interim committees of the same house, matters of legislative study not specifically contained in a legislative resolution but considered significant to the welfare of the state;

(c) receive requests from interim committees of its house for matters to be included on the study agenda of the requesting committee. Appropriate bases for denying a study include inadequate funding to properly complete the study or duplication of the work;

(d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its house and allocate to that account sufficient funds to adequately provide for the work of the committee; and

(e) designate the time and place for periodic meetings of the interim committees.

(2) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their

respective houses during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.

(3) The Legislative Management Committee shall:

(a) employ, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both houses, persons qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general. Appointments to these positions shall be for terms of six years subject to renewal under the same procedure as the original appointment. A person may be removed from any of these offices prior to the expiration of his term only by a majority vote of both houses of the Legislature or by a 2/3 vote of the management committee for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office. In the event a vacancy occurs in any of these offices after adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy until such time as the person is approved or rejected by majority vote of the next session of the Legislature;

(b) develop policies for personnel management, compensation, and training of all professional legislative staff;

(c) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;

(d) approve special study budget requests of the legislative directors; and

(e) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective houses of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.

(4) The Legislature delegates to the Legislative Management Committee the authority, by means of a majority vote of the committee, to direct the legislative general counsel in matters involving the Legislature's participation in litigation.

Amended by Chapter 107, 2009 General Session

**36-12-8. Legislative Management Committee -- Research and General Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members -- Meetings.**

(1) There is created within the Legislative Management Committee three subcommittees having equal representation from each major political party. The subcommittees, their membership, and their functions are as follows:

(a) The Research and General Counsel Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person or persons to hold the positions of director of the Office of Legislative Research and General Counsel and legislative general counsel.

(b) The Budget Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person to hold the position of legislative fiscal

analyst.

- (c) The Audit Subcommittee, comprising four members, shall:
  - (i) recommend to the Legislative Management Committee a person to hold the position of legislative auditor general; and
  - (ii) (A) review all requests for audits;
  - (B) prioritize those requests;
  - (C) hear all audit reports and refer those reports to other legislative committees for their further review and action as appropriate; and
  - (D) when notified by the legislative auditor general or state auditor that a subsequent audit has found that an entity has not implemented a previous audit recommendation, refer the audit report to an appropriate legislative committee and also ensure that an appropriate legislative committee conducts a review of the entity that has not implemented the previous audit recommendation.
- (2) The members of each subcommittee of the Legislative Management Committee shall be appointed from the membership of the Legislative Management Committee by an appointments committee comprised of the speaker and the minority leader of the House of Representatives and the president and the minority leader of the Senate.
- (3) Each subcommittee of the Legislative Management Committee shall meet as often as necessary to perform its duties. They may meet during and between legislative sessions.

Amended by Chapter 137, 2012 General Session

**36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight -- Members -- Duties -- Meetings.**

- (1) There is created within the Legislative Management Committee a Subcommittee on Oversight comprised of the following members:
  - (a) from the Senate:
    - (i) the president;
    - (ii) the majority leader;
    - (iii) the minority leader; and
    - (iv) the minority whip;
  - (b) from the House of Representatives:
    - (i) the speaker;
    - (ii) the majority leader;
    - (iii) the minority leader; and
    - (iv) the minority whip.
- (2) The Subcommittee on Oversight shall:
  - (a) review and approve the budget for the Office of Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of Legislative Auditor General; and
  - (b) provide an annual performance review for the legislative fiscal analyst, the director of the Office of Legislative Research and General Counsel, and the legislative auditor general.
- (3) (a) This subcommittee shall meet no later than June 1st of each year to

conduct the annual performance review and no later than November 1st of each year to review and approve the budget of these offices.

(b) This subcommittee may meet as often as necessary to perform its duties.

Enacted by Chapter 165, 2000 General Session

**36-12-9. Legislative committees -- Minutes of meetings -- Official policies -- Closed meetings -- Private records.**

(1) "Special investigative committee" means a committee or subcommittee created or designated by rule or resolution of the House, the Senate, or the Legislature to investigate a matter specified in the rule or resolution.

(2) The House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, and each interim committee shall keep complete minutes of their meetings.

(3) The official policies of the House, Senate and Legislative Management Committees made pursuant to their duties as assigned by law shall be written and available to all members of the Legislature.

(4) Notwithstanding Subsection 52-4-204(2) or 52-4-205(1), a special investigative committee may hold a closed meeting if a majority of the members present vote to close the meeting for the purpose of:

- (a) seeking or obtaining legal advice;
- (b) discussing matters of strategy relating to an investigation, if discussing the matters in public would interfere with the effectiveness of the investigation; or
- (c) questioning a witness, if questioning the witness in public would interfere with a criminal investigation.

(5) The following records received by, or generated by or for, a special investigative committee are protected records, for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the special investigative committee concludes its business or determines to remove the protected record classification described in this Subsection (5):

- (a) records of a witness interview;
- (b) records containing the mental impressions of special investigative committee members or staff to the special investigative committee;
- (c) records containing information on investigative strategy; and
- (d) records, the disclosure of which would interfere with the effectiveness of the investigation.

Amended by Chapter 1, 2013 Special Session 1

**36-12-9.5. Obstructing a legislative proceeding.**

(1) As used in this section, "legislative proceeding" means an investigation or audit conducted by:

- (a) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
- (b) an employee or independent contractor of an entity described in Subsection (1)(a), at or under the direction of an entity described in Subsection (1)(a).

(2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor if the person, with intent to hinder, delay, or prevent a legislative proceeding:

- (a) provides a person with a weapon;
  - (b) prevents a person, by force, intimidation, or deception, from performing any act that might aid the legislative proceeding;
  - (c) alters, destroys, conceals, or removes any item or other thing;
  - (d) makes, presents, or uses an item, document, or thing known by the person to be false;
  - (e) makes a false material statement, not under oath, to:
    - (i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
    - (ii) an employee or independent contractor of an entity described in Subsection (2)(e)(i);
  - (f) harbors or conceals a person;
  - (g) provides a person with transportation, disguise, or other means of avoiding discovery or service of process;
  - (h) warns any person of impending discovery or service of process;
  - (i) conceals an item, information, document, or thing that is not privileged after a legislative subpoena is issued for the item, information, document, or thing; or
  - (j) provides false information regarding a witness or a material aspect of the legislative proceeding.
- (3) Subsection (2) does not include:
- (a) false or inconsistent material statements, as described in Section 76-8-502;
  - (b) tampering with a witness or soliciting or receiving a bribe, as described in Section 76-8-508;
  - (c) retaliation against a witness, victim, or informant, as described in Section 76-8-508.3; or
  - (d) extortion or bribery to dismiss a criminal proceeding, as described in Section 76-8-509.

Enacted by Chapter 167, 2014 General Session

**36-12-10. Right of members to attend meetings -- Voting -- Subject to open and public meeting requirements.**

Any member of the Legislature has the right to attend any meeting of the House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, or any interim committee and to present views on any subject under consideration, but no legislator has the right to vote on any decision of a committee of which he is not a member. All meetings of these committees shall be subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 14, 2006 General Session

**36-12-11. Interim committees' powers.**

Interim committees may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, any other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14.

Amended by Chapter 174, 1989 General Session

**36-12-12. Office of Legislative Research and General Counsel --  
Established -- Powers, functions, and duties -- Organization of office -- Selection  
of director and general counsel.**

(1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:

(a) to provide research and legal staff assistance to all standing, special, and interim committees as follows:

(i) to assist each committee chairman in planning the work of the committee;

(ii) to prepare and present research and legal information in accordance with committee instructions or instructions of the committee chairman;

(iii) to prepare progress reports of committee work when requested; and

(iv) to prepare a final committee report in accordance with committee instructions, that includes relevant research information, committee policy recommendations, and recommended legislation;

(b) to collect and examine the acts and official reports of any state and report their contents to any committee or member of the Legislature;

(c) to provide research and legal analysis services to any interim committee, legislative standing committee, or individual legislator on actual or proposed legislation or subjects of general legislative concern;

(d) to maintain a legislative research library that provides analytical, statistical, legal, and descriptive data relative to current and potential governmental and legislative subjects;

(e) (i) to exercise under the direction of the general counsel the constitutional authority provided in Article VI, Sec. 32, Utah Constitution, in serving as legal counsel to the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff; and

(ii) to represent the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals;

(f) to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and, under the direction of the general counsel, give advice and counsel regarding them to the Legislature, majority and minority leadership of the House or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff;



(g) under the direction of the general counsel, to review, examine, and correct any technical errors and approve legislation that has passed both houses in order to enroll the legislation and prepare the laws for publication;

(h) to keep on file records concerning all legislation and proceedings of the Legislature with respect to legislation referred to in Subsection (2)(g);

(i) to formulate recommendations for the revision, clarification, classification, arrangement, codification, annotation, and indexing of Utah statutes, and to develop proposed legislation to effectuate the recommendations;

(j) to appoint and develop a professional staff within budget limitations; and

(k) to prepare and submit the annual budget request for the Office of Legislative Research and General Counsel.

(3) The statutory authorization of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2)(g) includes:

(a) adopting a uniform system of punctuation, capitalization, numbering, and wording;

(b) eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;

(c) correcting defective or inconsistent section and paragraph structure in the arrangement of the subject matter of existing statutes;

(d) eliminating all obsolete and redundant words;

(e) correcting obvious errors and inconsistencies including those involving punctuation, capitalization, cross references, numbering, and wording;

(f) changing the boldface to more accurately reflect the substance of each section, part, chapter, or title; and

(g) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature.

(4) In carrying out the duties provided for in this section, the director of the Office of Legislative Research and General Counsel may obtain access to all records, documents, and reports necessary to the scope of the director's duties according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

(5) In organizing the management of the Office of Legislative Research and General Counsel, the Legislative Management Committee may either:

(a) select a person to serve as both the director of the office and as general counsel. In such case, the director of the office shall be a lawyer admitted to practice in Utah and shall have practical management experience or equivalent academic training; or

(b) select a person to serve as director of the office who would have general supervisory authority and select another person to serve as the legislative general counsel within the office. In such case, the director of the office shall have a master's degree in public or business administration, economics, or the equivalent in academic or practical experience and the legislative general counsel shall be a lawyer admitted to practice in Utah.

Amended by Chapter 92, 2003 General Session

**36-12-13. Office of Legislative Fiscal Analyst established -- Powers,**

**functions, and duties -- Qualifications.**

(1) There is established an Office of Legislative Fiscal Analyst as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Fiscal Analyst under the supervision of the fiscal analyst are:

(a) to analyze in detail the state budget before the convening of each legislative session and make recommendations to the Legislature on each item or program appearing in the budget, including:

(i) funding for and performance of programs, acquisitions, and services currently undertaken by state government to determine whether each department, agency, institution, or program should:

(A) continue at its current level of expenditure;

(B) continue at a different level of expenditure; or

(C) be terminated; and

(ii) increases or decreases to spending authority and other resource allocations for the current and future fiscal years;

(b) to prepare cost estimates on all proposed bills that anticipate state government expenditures;

(c) to prepare cost estimates on all proposed bills that anticipate expenditures by county, municipal, local district, or special service district governments;

(d) to prepare cost estimates on all proposed bills that anticipate direct expenditures by any Utah resident or business, and the cost to the overall impacted Utah resident or business population;

(e) to prepare a review and analysis of revenue estimates for existing and proposed revenue acts, which shall include a comparison of current estimates to 15-year trends by tax type;

(f) to report instances in which the administration may be failing to carry out the expressed intent of the Legislature;

(g) to propose and analyze statutory changes for more effective operational economies or more effective administration;

(h) to prepare, before each annual general session of the Legislature, a summary showing the current status of the following as compared to the past nine fiscal years:

(i) debt;

(ii) long-term liabilities;

(iii) contingent liabilities;

(iv) General Fund borrowing;

(v) reserves;

(vi) fund and nonlapsing balances; and

(vii) cash funded capital investments;

(i) to make recommendations for addressing the items described in Subsection (2)(h) in the upcoming annual general session of the Legislature;

(j) to prepare, after each session of the Legislature, a summary showing the effect of the final legislative program on the financial condition of the state;

(k) to conduct organizational and management improvement studies;

(l) to prepare and deliver upon request of any interim committee or the

Legislative Management Committee, reports on the finances of the state and on anticipated or proposed requests for appropriations;

(m) to recommend areas for research studies by the executive department or the interim committees;

(n) to appoint and develop a professional staff within budget limitations;

(o) to prepare and submit the annual budget request for the office;

(p) to develop a taxpayer receipt:

(i) available to taxpayers through a website; and

(ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax dollars are expended for government purposes; and

(q) to publish or provide other information on taxation and government expenditures that may be accessed by the public.

(3) The Office of Legislative Fiscal Analyst shall report the review and analysis required under Subsection (2)(e) to the Executive Appropriations Committee of the Legislature before each upcoming annual general session of the Legislature.

(4) The legislative fiscal analyst shall have a master's degree in public administration, political science, economics, accounting, or the equivalent in academic or practical experience.

(5) In carrying out the duties provided for in this section, the legislative fiscal analyst may obtain access to all records, documents, and reports necessary to the scope of the legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 344, 2014 General Session

Amended by Chapter 430, 2014 General Session

### **36-12-15. Office of Legislative Auditor General established -- Qualifications -- Powers, functions, and duties.**

(1) There is created an Office of Legislative Auditor General as a permanent staff office for the Legislature.

(2) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least five years experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

(3) The legislative auditor general shall appoint and develop a professional staff within budget limitations.

(4) (a) The Office of the Legislative Auditor General shall exercise the constitutional authority provided in Article VI, Sec. 33, Utah Constitution.

(b) Under the direction of the legislative auditor general, the office shall:

(i) conduct comprehensive and special purpose audits, examinations, and reviews of any entity that receives public funds;

(ii) prepare and submit a written report on each audit, examination, or review to the Legislative Management Committee, the audit subcommittee, and to all members of the Legislature within 75 days after the audit or examination is completed; and

(iii) as provided in Section 36-24-101:

(A) monitor all new programs and agencies created during each Annual General Session or Special Session of the Legislature;

(B) provide each new program and agency created with a list of best practices in setting up their program or agency, including:

- (I) policies;
- (II) performance measures; and
- (III) data collection;

(C) send each new program and agency:

(I) within one year after its creation, a survey instrument requesting a self evaluation that includes policies, performance measures, and data collection; and

(II) within two years after its creation, a survey instrument requesting a self evaluation that includes policies, performance measures, and data collection; and

(D) (I) using the new program or agency's response to the self evaluation survey instruments, recommend to the legislative audit subcommittee that the office conduct an audit of those new programs and agencies created on which questions have arisen as a result of the response to the survey instrument and provide a limited scope audit report on those new programs or agencies on which it receives direction to audit to the legislative interim committee and to the legislative appropriations subcommittee with oversight responsibility for that program or agency on or before the November interim meeting; and

(II) include within this limited scope audit report a recommendation as to whether the program or agency is fulfilling its statutory guidelines and directives.

(5) The audit, examination, or review of any entity that receives public funds may include a determination of any or all of the following:

- (a) the honesty and integrity of all its fiscal affairs;
- (b) the accuracy and reliability of its financial statements and reports;
- (c) whether or not its financial controls are adequate and effective to properly record and safeguard its acquisition, custody, use, and accounting of public funds;
- (d) whether or not its administrators have faithfully adhered to legislative intent;
- (e) whether or not its operations have been conducted in an efficient, effective, and cost efficient manner;
- (f) whether or not its programs have been effective in accomplishing intended objectives; and
- (g) whether or not its management control and information systems are adequate and effective.

(6) The Office of Legislative Auditor General may:

(a) (i) notwithstanding any other provision of law, obtain access to all records, documents, and reports of any entity that receives public funds that are necessary to the scope of its duties; and

(ii) if necessary, issue a subpoena to obtain access as provided in Subsection (6)(a)(i) using the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers;

(b) establish policies, procedures, methods, and standards of audit work for the office and staff;

(c) prepare and submit each audit report without interference from any source relative to the content of the report, the conclusions reached in the report, or the manner of disclosing the results of the legislative auditor general's findings; and

(d) prepare and submit the annual budget request for the office.

(7) To preserve the professional integrity and independence of the office:

(a) no legislator or public official may urge the appointment of any person to the office; and

(b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.

(8) The following records in the custody or control of the legislative auditor general shall be protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

(a) Records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report.

(b) Records and audit workpapers to the extent they would disclose the identity of a person who during the course of a legislative audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected.

(c) Prior to the time that an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for their response or information.

(d) Records that would disclose an outline or part of any audit survey plans or audit program.

(e) Requests for audits, if disclosure would risk circumvention of an audit.

(f) The provisions of Subsections (8)(a), (b), and (c) do not prohibit the disclosure of records or information that relate to a violation of the law by a governmental entity or employee to a government prosecutor or peace officer.

(g) The provisions of this section do not limit the authority otherwise given to the legislative auditor general to classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The legislative auditor general shall:

(a) be available to the Legislature and to its committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;

(b) conduct special audits as requested by the Legislative Management Committee;

(c) report immediately in writing to the Legislative Management Committee through its audit subcommittee any apparent violation of penal statutes disclosed by the audit of a state agency and furnish to the Legislative Management Committee all information relative to the apparent violation;

(d) report immediately in writing to the Legislative Management Committee through its audit subcommittee any apparent instances of malfeasance or nonfeasance by a state officer or employee disclosed by the audit of a state agency; and

(e) make any recommendations to the Legislative Management Committee through its audit subcommittee with respect to the alteration or improvement of the accounting system used by any entity that receives public funds.

(10) If the legislative auditor general conducts an audit of a state agency that has previously been audited and finds that the state agency has not implemented a recommendation made by the legislative auditor general in a previous audit, the legislative auditor general shall, upon release of the audit:

(a) report immediately in writing to the Legislative Management Committee through its audit subcommittee that the state agency has not implemented that recommendation; and

(b) shall report, as soon as possible, that the state agency has not implemented that recommendation to a meeting of an appropriate legislative committee designated by the audit subcommittee of the Legislative Management Committee.

(11) (a) Prior to each annual general session, the legislative auditor general shall prepare a summary of the audits conducted and of actions taken based upon them during the preceding year.

(b) This report shall also set forth any items and recommendations that are important for consideration in the forthcoming session, together with a brief statement or rationale for each item or recommendation.

(c) The legislative auditor general shall deliver the report to the Legislature and to the appropriate committees of the Legislature.

(12) (a) No person or entity may:

(i) interfere with a legislative audit, examination, or review of any entity conducted by the office; or

(ii) interfere with the office relative to the content of the report, the conclusions reached in the report, or the manner of disclosing the results and findings of the office.

(b) Any person or entity that violates the provisions of this Subsection (12) is guilty of a class B misdemeanor.

Amended by Chapter 137, 2012 General Session

### **36-12-15.1. Budget and appropriation audits.**

(1) As used in this section, "entity" means an entity in the executive branch that receives an ongoing line item appropriation in an appropriations act.

(2) The Office of Legislative Auditor General shall:

(a) each year perform an audit of at least two entities' appropriations, in addition to other audits performed by the Office of Legislative Auditor General, that evaluates:

(i) the extent to which the entity has efficiently and effectively used the appropriation by identifying:

(A) the entity's appropriation history;

(B) the entity's spending and efficiency history; and

(C) historic trends in the entity's operational performance effectiveness;

(ii) whether the entity's size and operation are commensurate with the entity's spending history; and

(iii) whether the entity is diligent in its stewardship of state resources;

(b) if possible, incorporate the audit methodology described in Subsection (2)(a)

in other audits performed by the Office of Legislative Auditor General;

(c) conduct the audits described in Subsection (2)(a) according to the process established for the Audit Subcommittee created in Section 36-12-8;

(d) after release of an audit report by the Audit Subcommittee, make the audit report available to:

(i) each member of the Senate and the House of Representatives; and

(ii) the governor or the governor's designee; and

(e) summarize the findings of an audit described in Subsection (2)(a) in:

(i) a unique section of the legislative auditor general's annual report; and

(ii) a format that the legislative fiscal analyst may use in preparation of the annual appropriations no later than 30 days before the day on which the Legislature convenes.

(3) The Office of Legislative Auditor General shall consult with the legislative fiscal analyst in preparing the summary required by Subsection (2)(e).

(4) The Legislature, in evaluating an entity's request for an increase in its base budget, shall:

(a) review the audit report required by this section and any relevant audits; and

(b) consider the entity's request for an increase in its base budget in light of the entity's prior history of savings and efficiencies as evidenced by the audit report required by this section.

Amended by Chapter 369, 2012 General Session

**36-12-16. Legislative directors -- Authority to obtain assistance.**

Within budgetary limitations, the legislative directors shall have authority to obtain consulting help and professional outside contract assistance and fix the fees paid according to rates and schedules consistent with those generally accepted within the appropriate profession.

Enacted by Chapter 109, 1975 General Session

**36-12-17. Duties of presiding officer and majority and minority leaders of each house and chairman of Legislative Management Committee.**

(1) It shall be the duty of the presiding officer and the majority and minority leaders of each house to perform the following for their respective house:

(a) to manage legislative space for their house within the state capitol;

(b) to acquire, manage, and supervise office equipment and machines, data processing equipment, public address equipment, and other equipment and facilities needed by their house and its committees, exclusive of equipment and facilities required by professional legislative staff;

(c) to employ, train, and supervise clerical help needed to serve all interim committees and the Legislative Management Committee, except clerical help employed to assist professional legislative staff;

(d) to supervise payment of per diem compensation and travel expenses of the members of their house while in session; and

(e) to approve requests by members of their house for out-of-state travel on

legislative business and to supervise the reimbursement of actual and necessary expenses for such travel.

(2) The speaker of the House of Representatives and the president of the Senate may perform additional services for legislators, including but not limited to the following:

(a) to provide at the state capitol secretarial services to all legislators of their house requesting assistance with files and correspondence directly related to legislative business; at the discretion of the minority political party, a secretary may be designated by the minority party; and

(b) to serve as an information source to the public in informing the citizenry of matters currently before the Legislature and its committees and to prepare and distribute material to instruct the general public on the functions and operation of the Legislature.

(3) By agreement between the speaker of the House of Representatives and president of the Senate, any of the duties assigned to them by this section may be administered jointly for the two houses by the chairman of the Legislative Management Committee.

(4) The chairman of the Legislative Management Committee shall supervise the payment of per diem compensation and in-state travel expenses of members of the Legislative Management Committee and all interim committees.

Amended by Chapter 47, 1985 General Session

**36-12-18. Offices for Legislative Management Committee and professional legislative staff -- Hours -- Library facilities available -- Documents, reports, and information available.**

The Legislative Management Committee and the professional legislative staff shall be provided with adequate quarters in the State Capitol Complex convenient to the members of the Legislature and other persons having official business with them. The offices shall be open during the time provided by law for other state offices, and when the Legislature is in session, at such hours as are convenient to the legislators. The facilities of the state library and other libraries maintained by the state shall be available for use by all legislative committees and subcommittees and the professional legislative staff. Each department, division, commission, agency, or other instrumentality of state government shall furnish to all the legislative committees and subcommittees and the professional legislative staff upon request any document, reports, or information available within the department.

Amended by Chapter 121, 2007 General Session

**36-12-19. Investigatory powers of the Legislature.**

In the discharge of its legislative investigatory powers, the Legislature, or either house or any committee thereof, may:

(1) administer oaths; and

(2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, other tangible things, and testimony, by



following the procedures contained in Title 36, Chapter 14.

Amended by Chapter 174, 1989 General Session

**36-12-20. Development of proposed energy producer states' agreement -- Membership selection -- Agreements -- Goals -- Meetings -- Reports.**

(1) The speaker of the House shall appoint two members of the House and the president of the Senate shall appoint two members of the Senate, of which no more than three of the four members shall be from the same political party, to study and work with legislative members of other energy producing states for the purpose of developing a proposed energy producer states' agreement.

(2) The proposed energy producer states' agreement shall have the following goals:

(a) to encourage domestic development of energy in the United States;  
(b) to ensure the continued development of each state's domestic natural resources;

(c) to deliver a unified message to the federal government from energy producing states by:

(i) participating in the development of proposed federal legislation and regulations; and

(ii) making recommendations regarding existing federal law and regulations including the following:

(A) the Environmental Protection Act;  
(B) the Endangered Species Act; and  
(C) federal land access issues that affect the production of energy;  
(d) to eliminate or reduce overly broad federal legislation; and  
(e) to identify and address consequences of delays and cancellations of economically viable energy projects.

(3) Appointed members shall:

(a) produce a report with recommendations regarding an energy producer states' agreement; and

(b) present the report to the Natural Resources, Agriculture, and Environment Interim Committee on or before November 30 of each year.

(4) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(5) The Office of Legislative Research and General Counsel shall provide staff assistance as requested.

Amended by Chapter 387, 2014 General Session